



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SECNAVINST 1920.7C
ASN (M&RA)
22 Jan 2019

SECNAV INSTRUCTION 1920.7C

From: Secretary of the Navy

Subj: CONTINUATION ON ACTIVE DUTY OF REGULAR COMMISSIONED
OFFICERS AND RESERVE OFFICERS ON THE RESERVE ACTIVE
STATUS LIST IN THE NAVY AND MARINE CORPS

Ref: (a) 10 U.S.C.
(b) DoD Instruction 1320.08 of 23 October 2018
(c) SECNAVINST 1412.8B
(d) SECNAVINST 1412.9B
(e) DoD Instruction 1320.04 of 3 January 2014
(f) SECNAVINST 1420.1B
(g) SECNAVINST 1401.3A
(h) SECNAVINST 5200.35F
(i) SECNAV M-5214.1

Encl: (1) Definitions
(2) Continuation on Active Duty

1. Purpose

a. To establish policies and procedures for the continuation of commissioned officers on the Active Duty List (ADL) and on the Reserve Active Status List (RASL) of the Navy and Marine Corps who are subject to involuntary retirement or discharge for years of service or failures of selection for promotion pursuant to reference (a), sections 611(b), 637, 637a, and 14701, and reference (b).

b. This instruction is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 1920.7B.

3. Definitions. See enclosure (1).

4. Applicability. This instruction is effective immediately and applies to all Regular and Reserve officers serving in the permanent grades of O-3 and above in the Navy or Marine Corps

who are subject to involuntary retirement or discharge for years of service or failures of selection for promotion. This instruction does not apply to limited duty officers (LDO) appointed pursuant to reference (a), sections 5589 or 5596, to warrant officers, or to commissioned warrant officers. References (c) and (d) govern the continuation on active duty of LDOs, warrant officers, and commissioned warrant officers, for more information see enclosure (2).

5. Policy. It is the policy of the Department of the Navy (DON):

a. To retain competent and effective commissioned officers through the selective continuation process as a means of satisfying the needs and critical skill requirements of the Navy and Marine Corps.

b. To implement the policy and procedures in reference (b) governing the consideration for continuation of commissioned officers in the grade of O-4 who have failed of selection for promotion to the next higher grade for the second time and who are between 2 and 6 years away from qualifying for retirement pursuant to reference (a), section 6323, on the date they are required to be discharged. For officers who are within 4 years of qualifying for retirement, continuation will normally be supported unless skill requirements or quality indicators dictate otherwise.

6. Responsibilities

a. The Chief of Naval Personnel (CNP), under the direction of the Chief of Naval Operations (CNO), and the Commandant of the Marine Corps (CMC) are assigned responsibility for their respective service to:

(1) Administer the policies and procedures prescribed in this instruction.

(2) Implement procedures for the continuation of Navy and Marine Corps officers on the RASL in the permanent grades of O-3 and above pursuant to reference (a), section 14701.

(3) Prepare and submit a continuation plan to the Secretary of the Navy (SECNAV) for any fiscal year in which the needs of the service so require.

(4) Issue notice to eligible officers of the convening of continuation selection boards at least 30 calendar days before the convening date of the board.

(5) Submit precepts and/or convening orders to the Judge Advocate General of the Navy (JAG) no later than 35 days before the proposed convening date.

(6) Ensure all investigative files, to include the Department of Defense (DoD) Inspector General, Naval Inspector General, Equal Opportunity Employment, Equal Opportunity, National Crime Information Center, Central Clearance Facility, JAG, and other service database files, are reviewed for adverse and reportable information, as defined by reference (e), on officers who are selected for continuation.

(7) Conduct continuation selection boards convened by SECNAV based on the needs of the Navy and Marine Corps for continuation of officers on the ADL.

(8) Furnish information and written instructions to continuation selection boards consistent with the guidance applicable to promotion selection boards in reference (f).

(a) Ensure instructions require the independence and integrity of continuation selection boards and their careful consideration of officers without prejudice and partiality.

(b) Ensure instructions affirmatively recognize that experience and length of service are important, but do not override the needs of the Navy and Marine Corps or performance factors.

(9) Ensure the membership of continuation selection boards complies with reference (g).

(10) If there is adverse or reportable information, as defined in reference (e), concerning an officer who is recommended for continuation, then provide SECNAV with a recommendation of whether or not the officer should be withheld

from the continuation list in order to permit further review of his qualifications and fitness for continuation.

(11) If the SECNAV withholds an officer from the continuation list, then provide the officer with written notice of all reasons for the withhold and the opportunity to make a statement to SECNAV. Upon review of the officer's statement and service record, provide SECNAV with a recommendation of whether the officer's continuation is in the best interests of the Navy or Marine Corps in light of the information that was the basis for the withhold.

(12) Ensure reports from ADL O-4 continuation selection boards identify those officers in the grade of O-4 not selected for continuation who are within 4 years of qualifying for retirement on their mandatory discharge dates. SECNAV must certify that not continuing such officers is in the best interests of the Navy or Marine Corps.

(13) Forward the report of a continuation selection board to SECNAV via the JAG for legal review.

(14) Publish the results of a continuation selection board to affected officers after SECNAV approves the report of the board.

(15) Afford an officer who is selected for continuation with an opportunity to accept or decline continuation.

(16) Ensure officers not recommended for selection by a continuation selection board are retired or discharged, as appropriate, pursuant to reference (a), section 632, 633, or 634.

(17) Ensure officers recommended for continuation, but removed from the continuation list by SECNAV, are retired or discharged on the date not later than the first day of the seventh calendar month beginning after the month in which SECNAV removed the officer from the continuation list.

(18) Maintain statistical data on the numbers, by grade, of commissioned officers continued and not continued on the ADL and RASL, and whose retirements have been deferred.

(19) Recommend policy changes to reference (b) to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) via Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN(M&RA)).

b. The JAG will review continuation plans, precepts, convening orders, and board reports for legal sufficiency in accordance with references (a) and (b), and this instruction.

c. In accordance with reference (h), the establishment and use of internal controls and accounting procedures are mandated to ensure: effectiveness and efficiency of operations; reliability of financial reporting; and compliance with applicable laws and regulations. Additionally, as part of the annual Manager's Internal Control Program report, the Navy and Marine Corps will provide the ASN (M&RA) with copies of the sections of their reports that are relevant to the continuation of Navy and Marine Corps commissioned officers on the ADL and RASL. The reports will include summary descriptions of internal controls used, their sufficiency, and any identified weaknesses or deficiencies.

7. Records Management. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>.

8. Reports. The reporting requirements contained in paragraphs 6 and 12 of this instruction are exempt from information collection control by reference (i), part IV, paragraphs 7k and 7n.



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DEFINITIONS

1. Active Commissioned Service. Service on active duty as a commissioned officer in a grade above warrant officer, W1.
2. Commissioned Officer. An officer in the Navy or Marine Corps who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer, excluding a LDO, warrant officer, commissioned warrant officer, or a retired commissioned officer.
3. Commissioned Service. Service as a commissioned officer that includes active status and active service as provided for in reference (a), section 14706.
4. Continuation. To retain a commissioned officer on the ADL or RASL through a selective process.
5. Continuation Plan. The annual Officer Grade Continuation plan approved by SECNAV that issues continuation policy to meet service requirements.
6. Continuation Selection Board. A board of commissioned officers convened under reference (a), section 611(b), to recommend officers for continuation on the ADL pursuant to reference (a), section 637 and 637a.
7. Critical Skill. A military occupational specialty (MOS) or military specialty code designated by the SECNAV, based on the needs of the Navy or Marine Corps, that makes a Regular commissioned officer possessing the MOS or military specialty code eligible for continuation pursuant to reference (a), section 637a. A critical skill may include those designated in the fields of cyberspace, any scientific or technical field, or any other field designated by SECNAV as being a high-skill, difficult-to-fill field.

CONTINUATION ON ACTIVE DUTY

1. ADL Officers within 2 Years of Retirement. Commissioned officers within 2 years of qualifying for retirement will be retained on active duty pursuant to reference (a), section 632, until qualified for retirement and then retired under reference (a), section 6323, unless sooner retired or discharged under another provision of law.

2. Continuation of ADL and RASL Officers in the Grade of O-3 or O-4 Approaching Retirement Eligibility (Reference (a), sections 637(a) and 14701)

a. ADL Officers in the Grade of O-3. Subject to the needs of the Navy or Marine Corps, SECNAV may convene a continuation selection board to consider for continuation a commissioned officer on the ADL in the grade of O-3 who is subject to discharge pursuant to reference (a), section 632, and will qualify for retirement under reference (a), section 6323, between 2 and 6 years after the required date of discharge. SECNAV will establish the criteria for selection in the continuation plan.

b. ADL Officers in the Grade of O-4. SECNAV may convene a continuation selection board to consider for continuation a commissioned officer on the ADL in the grade of O-4 who is subject to discharge pursuant to reference (a), section 632, and will qualify for retirement pursuant to reference (a), section 6323, between 2 to 6 years after the required date of discharge. Such an officer will normally be selected for continuation if the officer will qualify for retirement pursuant to reference (a), section 6323, within 4 years of the required date of discharge; however, there is no entitlement to continuation. SECNAV will establish the criteria for selection in the continuation plan.

c. RASL Officers in the Grades of O-3 and O-4. In accordance with paragraph 6a(2) of the main instruction, the CNO and CMC will implement the procedures governing the continuation of commissioned officers on the RASL in the grades of O-3 and O-4.

d. Minimum Continuation Period

(1) ADL. The minimum continuation period is not less than 2 years from the date on which the officer would have been discharged pursuant to reference (a), section 632(a)(1). For an

Enclosure (2)

officer on the ADL with less than 20 years of active commissioned service who would be retired pursuant to reference (a), section 632(a)(2) or (3), SECNAV may prescribe a lesser period subject to the limitations of reference (a), section 637(a)(2).

(2) RASL. The SECNAV will authorize the minimum continuation period for commissioned officers on the RASL in the continuation plan.

e. Maximum Continuation Period

(1) ADL and RASL Officers in the Grade of O-3. The SECNAV may prescribe the maximum period of continuation in the continuation plan, not to exceed 20 years of commissioned service, subject to the needs of the Navy or Marine Corps and pursuant to reference (a), section 637(a)(2) or section 14701. This subparagraph does not apply to officers with critical skills as defined in paragraph 4 of this enclosure.

(2) ADL and RASL Officers in the Grade of O-4. The SECNAV may prescribe the maximum period of continuation in the continuation plan, not to exceed 24 years of commissioned service, subject to the needs of the Navy or Marine Corps and pursuant to reference (a), section 637(a)(3) or section 14701. This subparagraph does not apply to officers with critical skills as defined in paragraph 4 of this enclosure.

(3) The maximum continuation period may also be limited by the statutory maximum age requirement in reference (a), section 1251, which mandates an officer's retirement at age 62 absent a deferment.

3. Deferral of Mandatory Retirement for ADL Officers in Grades O-5 through O-10 (Reference (a), section 637(b))

a. Grades O-5 and O-6. SECNAV may, subject to the needs of the Navy or Marine Corps, convene a continuation selection board to consider for continuation a commissioned officer on the ADL in the grade of O-5 or O-6 who is subject to retirement under reference (a), section 633 or 634. If the officer is selected by the board, then the SECNAV may continue the officer on active duty and defer the mandatory retirement for a period not to exceed 5 years, subject to the statutory maximum age requirement of 62 years in reference (a), section 1251.

22 Jan 2019

b. Grades O-7 and O-8. In the case of an officer in the grade of O-7 or O-8 who is subject to mandatory retirement under reference (a), section 635 or 636, the SECNAV may, subject to the needs of the Navy or Marine Corps, defer the retirement and continue the officer on active duty for a period not to exceed 5 years, subject to the statutory maximum age requirement of 64 years in reference (a), section 1253. A continuation selection board is not required.

c. Grades O-9 and O-10. In the case of an officer in the grade of O-9 or O-10 who is subject to mandatory retirement under reference (a), section 636, the President may defer the retirement and continue the officer on active duty for a period not to exceed 5 years, subject to the statutory maximum age requirement of 64 years in reference (a), section 1253. A continuation selection board is not required. In accordance with reference (e), the CNO or CMC will provide a recommendation for deferment to the SECNAV, who, if in support, will submit the recommendation to the President via the Secretary of Defense (SECDEF).

4. Continuation of ADL Officers in the Grades of O-3 through O-10 with Critical Skills (Reference (a), section 637a).
Pursuant to reference (b), the SECNAV may convene a continuation selection board to consider for continuation on active duty a commissioned officer on the ADL in the grade of O-3 through O-10 who possesses a SECNAV-designated critical skill, as defined in enclosure (1) of this instruction. If selected by the board, the SECNAV may authorize the officer to remain on active duty after the officer's mandatory retirement date under reference (a), sections 633 through 636, as applicable. If continued by the SECNAV, then the officer must be retired on the first day of the first month after the month in which the officer completes 40 years of active service, unless retired earlier. The statutory maximum age requirements of reference (a), sections 1251 and 1253, may mandate an officer's retirement prior to 40 years of active service.

a. The CNO or CMC will publish the list of SECNAV-designated critical skills in advance of the board convening.

b. Pursuant to reference (b), the USD(P&R) must review the convening order for any continuation selection board that will consider officers for continuation on active duty with SECNAV-designated critical skills. The CNO and CMC must factor in the reviews performed by SECNAV and by USD(P&R) when scheduling the convening date of the board.

22 Jan 2019

5. Retention of Officers in Grades O-5 through O-9 on the RASL (Reference (a), section 14701)

a. Grade of O-5. For commissioned officers in the grade of O-5 who are subject to removal from the RASL pursuant to reference (a), section 14507, SECNAV may defer the removal of such officers with particular skills as established in the continuation plan for a period which does not extend beyond the last day of the month in which the officer completes 33 years of commissioned service.

b. Grade of O-6. For commissioned officers in the grade of O-6 who are subject to removal from the RASL pursuant to reference (a), section 14507, SECNAV may defer the removal of such officers with particular skills as established in the continuation plan for a period which does not extend beyond the last day of the month in which the officer completes 35 years of commissioned service.

c. Grades of O-7 through O-9. For commissioned officers in the grades of O-7 through O-9 on the RASL who would otherwise be removed from an active status pursuant to reference (a), section 14508(a), (b), or (c), SECNAV may retain such officers in an active status subject to reference (a), section 14508 and sections 14510 through 14512.

6. Deferral of Mandatory Retirement for Permanent Military Professors in Grades of O-5 and O-6. Pursuant to reference (a), section 6970a, SECNAV may defer the mandatory retirement and continue on active duty a Navy or Marine Corps officer in the grade of O-5 or O-6 serving as a permanent military professor at the U.S. Naval Academy. A continuation selection board is not required. The SECNAV may determine the period of continuation, subject to the statutory maximum age requirement of 64 years in reference (a), section 1252.

7. Retention of Certain Professional Category Officers on the RASL. Pursuant to reference (a), section 14703, the SECNAV may, notwithstanding any provision of reference (b) and with the officer's consent, retain in an active status any Reserve commissioned officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps, or appointed in the Medical Service Corps and designated to perform as an optometrist, podiatrist, allied health officer, or biomedical sciences officer. An officer may not be retained in active status under this subsection later than the date on which the officer becomes 68 years of age.

8. Declination of Continuation

a. A commissioned officer on the ADL who is selected for continuation pursuant to this instruction, but declines continuation, will be discharged, retired, or retained on active duty, as appropriate, in accordance with the applicable statutes in reference (a), as implemented by DoD and DON regulations.

b. A Reserve commissioned officer on the RASL who is recommended for continuation pursuant to reference (a), section 14701, but declines continuation, will be removed from an active status pursuant to reference (a), section 14513 or 14514.

c. An officer who is subject to discharge under any provision of reference (a), chapter 36, by reason of having twice failed of selection for promotion to the next higher grade is not entitled to separation pay under reference (a), section 1174, if that officer, after such second failure of selection for promotion, is selected for, and declines, continuation on active duty for a period that is equal to or more than the amount of service required to qualify the officer for retirement.

9. Retirement or Discharge of Continued Officers. Each commissioned officer continued on the ADL pursuant to paragraph 2 of this enclosure (reference (a), section 637(a)), and each Reserve commissioned officer continued on the RASL pursuant to paragraph 5 of this enclosure (reference (a), section 14701), who is not subsequently promoted or is not on a list of officers recommended for continuation or promotion to the next higher grade, will, unless sooner retired or discharged, be retired or discharged pursuant to reference (a), section 637(a)(5), or will be retired, discharged, or transferred from an active status pursuant to reference (a), section 14513 or 14514.

10. Continuation to Complete Disciplinary Action. Pursuant to reference (a), section 639 or 14518, SECNAV may delay the separation or retirement of an officer when any action has been commenced against the officer with a view to trying the officer by court-martial. The delay may continue until the disciplinary action is complete.

11. Deferment of Retirement or Separation for Medical Reasons. SECNAV may defer the retirement or separation of an officer on the ADL pursuant to reference (a), section 640, or of an officer on the RASL pursuant to reference (a) section 14519, if SECNAV determines that the evaluation of the officer's physical

condition and of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation, and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well-being before the date on which the officer would otherwise be required to retire or be separated. A deferral of retirement or separation for this purpose may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.

12. Continuation Selection Boards. The following guidance applies to continuation selection boards.

a. The provisions for promotion selection boards in reference (f) regarding the notice of convening, the precept and convening order, the information furnished to the board, and communication with the board apply to continuation selection boards. Reference (g) applies to continuation selection board membership.

b. Report of a Continuation Selection Board

(1) The report will be forwarded to SECNAV via first, CNP or the Deputy Commandant (Manpower & Reserve Affairs); second, CNO or CMC; and third, the JAG for legal review.

(2) A scroll, with the officers who are recommended for continuation, is not required.

(3) Identify ADL officers in the permanent grade of O-4 not selected for continuation who are within 4 years of qualifying for retirement on the date of their mandatory discharge. The SECNAV must certify that not continuing such officers is in the best interest of the Navy or Marine Corps, as applicable.

c. The results of a continuation selection board will be made known to affected officers after SECNAV approves the report of the board. An officer who is selected for continuation on active duty will be afforded an opportunity to accept or decline continuation.

d. CNO or CMC, as appropriate, may recommend to SECNAV that officers be withheld from the continuation list for the following reasons:

22 Jan 2019

(1) There is adverse or reportable information, as defined by reference (e), pertaining to the officer;

(2) Sworn court-martial charges have been preferred, but not disposed of;

(3) There is a pending criminal proceeding in a federal, state, or local court;

(4) An investigation is being conducted to determine whether disciplinary or administrative action of any kind should be initiated; or

(5) There is cause to believe that the officer is mentally, physically, morally, or professionally unqualified.

e. An officer who has been withheld from the continuation list must be provided written notice of all reasons for the withhold and an opportunity to make a statement to SECNAV. Only SECNAV may remove an officer from the continuation list.

f. An officer not recommended for continuation by a continuation selection board will be retired or discharged as appropriate pursuant to reference (a), section 632, 633, or 634.

g. An officer recommended for continuation, but removed by SECNAV from the continuation list, will be retired or discharged not later than the first day of the seventh calendar month beginning after the month in which SECNAV removed the officer from the continuation list.